

**RETURN DATE: APRIL 19, 2022**

**CITY OF NEW HAVEN : SUPERIOR COURT**  
**VS : J.D. OF NEW HAVEN**

**TAOM HERITAGE NEW HAVEN LLC,  
SOUTH CENTRAL CONNECTICUT : AT NEW HAVEN  
REGIONAL WATER AUTHORITY,  
GREATER NEW HAVEN WPCA,  
AGNES YAGOVANE,  
STATE OF CONNECTICUT,  
DEPARTMENT OF ECONOMIC AND  
COMMUNITY DEVELOPMENT,  
CITY OF NEW HAVEN,  
STATE OF CONNECTICUT,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,  
and SPRINT SPECTRUM LLC F/K/A  
SPRINT SPECTRUM L.P. : MARCH 8, 2022**

**COMPLAINT**

**FIRST COUNT**

1. On October 1, 2018, TAOM HERITAGE NEW HAVEN LLC was the record owner of real property situated in the City of New Haven located at and known as 133 Hamilton Street, New Haven, Connecticut, more particularly bounded and described in Schedule A, hereto annexed, which premises are also shown as Parcel ID #201-0571-00400 on the Assessor's Map ["Premises"].

**CHRISTINE J. CIOCIOLA**

**ATTORNEY AT LAW**

150 West Main Street, Branford, Connecticut 06405  
TELEPHONE: (203) 203-483-1773 • FAX: (203) 483-1045  
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2. The plaintiff, City of New Haven, duly and properly assessed taxes upon the Premises for the Grand List of 2018, the first half which became due and payable July 1, 2019 and the second half January 1, 2020, said taxes constituting a lien on said Premises.

3. The taxes for the Grand List of 2018 have not been paid in full and a balance of \$26,033.49 is due plus statutory interest and lien fees.

4. The plaintiff duly and properly filed and caused to be recorded in the land records of the City of New Haven a Certificate of Lien for said tax together with all interest fees and costs thereon in the New Haven Tax Lien Volumes.

5. The following encumbrances are subsequent and subordinate to the interest of the plaintiff before foreclosed, as follows:

a. The defendant, South Central Connecticut Regional Water Authority, claims or may claim some interest in the subject Premises by virtue of any water charges and/or liens as the same may be recorded or assessed against the property, including but not limited to that certain lien in the original principal amount of \$3,726.04 dated June 2, 2021 and recorded in Volume 10194 at Page 230 of the New Haven Land Records.

b. The defendant, Greater New Haven WPCA, claims or may claim some interest in the subject Premises by virtue of any sewer charges and/or liens as the same may be recorded and assessed against the property, including but not limited to i) a Notice of Lis Pendens dated January 30, 2013 and recorded in Volume 8942 at Page 128 of the New Haven Land Records, and ii) that certain lien in the original principal amount of \$272.00 dated March 30, 2021 and recorded in the March 30, 2021 Greater

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New Haven WPCA Lien Book of the New Haven Land Records, and further iii) by that certain lien in the original principal amount of \$1,335.68 dated September 29, 2020 and recorded in the September 29, 2020 Greater New Haven WPCA Lien Book of the New Haven Land Records.

c. The defendant, Agnes Yagovane, claims or may claim some interest in the subject Premises by virtue of a Mortgage Deed from T.S.J., Inc. to Anthony Yagovane, Sr. and Agnes Yagovane in the original principal amount of \$1,250,000.00 dated March 31, 2005 and recorded in Volume 7139 at Page 318 of the New Haven Land Records, as assigned to Agnes Yagovane by that certain Assignment of Note, Mortgage and Assignment of Leases dated June 28, 2018 and recorded in Volume 9735 at Page 53 of the New Haven Land Records, and as modified by virtue of an Assignment and Assumption and Note and Mortgage Modification Agreement dated June 29, 2018 and recorded in Volume 9735 at Page 72 of the New Haven Land Records.

d. The defendant, State of Connecticut, Department of Economic and Community Development, claims or may claim some interest in the subject Premises by virtue of a Negative Pledge and Agreement that is dated June 4, 2018 and recorded in Volume 9735 at Page 94 of the New Haven Land Records and by virtue of an Amended and Restated Negative Pledge and Agreement dated November 20, 2018 and recorded in Volume 9875 at Page 87 of the New Haven Land Records.

e. The defendant, City of New Haven, claims or may claim some interest in the subject Premises by virtue of an Open-End Mortgage Deed in the original principal amount of \$800,000.00 dated September 27, 2019 and recorded in Volume 9915 at Page 188 of the New Haven Land Records.

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f. The defendant, City of New Haven, claims or may claim some further interest in the subject Premises by virtue of the following:

- i. Notice of Unsafe Structure dated June 22, 1989 and recorded in Volume 4107 at Page 229 of the New Haven Land Records, and
- ii. Unsafe Notice and Order to Demolish dated October 24, 2002 and recorded in Volume 6249 at Page 255 of the New Haven Land Records, and
- iii. Unsafe Notice dated April 2, 2007 and recorded in Volume 7922 at Page 29 of the New Haven Land Records, and
- iv. Unsafe Notice dated April 20, 2007 and recorded in Volume 7938 at Page 85 of the New Haven Land Records, and
- v. Unsafe Notice and Order to Demolish dated March 6, 2008 and recorded in Volume 8166 at Page 15 of the New Haven Land Records, and
- vi. Notice of Unsafe Structure dated October 9, 2020 and recorded in Volume 10075 at Page 13 of the New Haven Land Records, and
- vii. Notice of Unsafe Structure dated January 22, 2021 and recorded in Volume 10128 at Page 22 of the New Haven Land Records, and
- viii. Notice of Unsafe Structure dated July 2, 2021 and recorded in Volume 10202 at Page 110 of the New Haven Land Records, and
- ix. Notice of Unsafe Structure dated January 11, 2022 and recorded in Volume 10327 at Page 315 of the New Haven Land Records.

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g. The defendant, State of Connecticut, Department of Environmental Protection, claims or may claim some interest in the subject Premises by virtue of an Order dated June 13, 1991 and recorded in Volume 4389 at Page 127 of the New Haven Land Records.

h. The defendant, Sprint Spectrum LLC f/k/a Sprint Spectrum L.P., claims or may claim some interest in the subject Premises by virtue of a Memorandum of PCS Site Agreement dated May 25, 2000 and recorded in Volume 5716 at Page 207 of the New Haven Land Records.

6. The plaintiff, City of New Haven, has further caused a Lis Pendens to be recorded on the land records of the City of New Haven. A copy of said Lis Pendens is attached hereto as Exhibit A.

7. Upon information and belief, the Defendant, TAOM HERITAGE NEW HAVEN LLC, is the record owner of the equity of redemption of the Premises, and, on information and belief, is in possession of the Premises.

## **SECOND COUNT**

1. On October 1, 2019, TAOM HERITAGE NEW HAVEN LLC was the record owner of real property situated in the City of New Haven located at and known as 133 Hamilton Street, New Haven, Connecticut, more particularly bounded and described in Schedule A, hereto annexed, which premises are also shown as Parcel ID #201-0571-00400 on the Assessor's Map ["Premises"].

2. The plaintiff, City of New Haven, duly and properly assessed taxes upon the Premises for the Grand List of 2019, the first half which became due and payable July 1, 2020 and the second half January 1, 2021, said taxes constituting a lien on said Premises.

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3. No part of the taxes for the Grand List of 2019 have been paid and a balance of \$53,206.26 is due plus statutory interest and lien fees.

4. The plaintiff duly and properly filed and caused to be recorded in the land records of the City of New Haven a Certificate of Lien for said tax together with all interest fees and costs thereon in the New Haven Tax Lien Volumes.

5-7. Paragraphs 5 through 7 of the First Count are incorporated by reference and made paragraphs 5 through 7 of this Second Count.

### **THIRD COUNT**

1. On October 1, 2020, TAOM HERITAGE NEW HAVEN LLC was the record owner of real property situated in the City of New Haven located at and known as 133 Hamilton Street, New Haven, Connecticut, more particularly bounded and described in Schedule A, hereto annexed, which premises are also shown as Parcel ID #201-0571-00400 on the Assessor's Map ["Premises"].

2. The plaintiff, City of New Haven, duly and properly assessed taxes upon the Premises for the Grand List of 2020, the first half which became due and payable July 1, 2021 and the second half January 1, 2022, said taxes constituting a lien on said Premises.

3. No part of the taxes for the Grand List of 2020 have been paid and a balance of \$58,526.88 is due plus statutory interest and lien fees.

4. The plaintiff duly and properly filed and caused to be recorded in the land records of the City of New Haven a Certificate of Lien for said tax together with all interest fees and costs thereon in the New Haven Tax Lien Volumes.

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5-7. Paragraphs 5 through 7 of the First Count are incorporated by reference and made paragraphs 5 through 7 of this Third Count.

8. Said Premises will also be subject to taxes assessed for the Grand List of October 1, 2021, and a lien for said taxes will exist pursuant to law after that date. The plaintiff reserves the right to amend its complaint to assert its lien for such taxes in this action pursuant to Connecticut General Statutes §12-163, if such taxes are not paid.

**WHEREFORE, THE PLAINTIFF CLAIMS:**

1. A foreclosure of the lien;
2. Immediate possession of the premises;
3. Money damages;
4. Interest and costs;
5. Reasonable attorney's fees;
6. That a receiver be appointed to collect the rents and profits accruing on said property; and
7. Such other relief as the Court deems appropriate.

**NOTICE**

**A PERSON WHO IS UNEMPLOYED OR UNDEREMPLOYED AND WHO HAS [FOR A CONTINUOUS PERIOD OF AT LEAST TWO YEARS PRIOR TO THE COMMENCEMENT OF THIS FORCLOSURE ACTION] OWNED AND OCCUPIED THE PROPERTY BEING FORECLOSED AS HIS PRINCIPAL RESIDENCE, MAY BE ENTITLED TO CERTAIN RELIEF PROVISIONS UNDER CONNECTICUT PUBLIC ACT 83-547 [SECTIONS 6-11 INCLUSIVE] AS AMENDED BY PUBLIC ACT 83-29 [SECTIONS 71-77**

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INCLUSIVE], OF THE JUNE SPECIAL SESSION, AS AMENDED BY PUBLIC ACT 84-373, [SECTIONS 1-5 INCLUSIVE]. THIS STATUTE REQUIRES THAT IF PROTECTION UNDER THIS STATUTE IS REQUESTED, AN APPLICATION FOR RELIEF THEREFORE MUST BE MADE TO THE COURT WITHIN TWENTY FIVE [25] DAYS AFTER THE RETURN DATE. YOU SHOULD CONSULT AN ATTORNEY TO DETERMINE YOUR RIGHTS UNDER THIS ACT.

Dated at Branford, Connecticut, this 8<sup>th</sup> day of March, 2022.

THE PLAINTIFF,

BY 

CHRISTINE J. CIOCIOLA, Its Attorney

CHRISTINE J. CIOCIOLA

ATTORNEY AT LAW

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## Legal Description

All that certain piece or parcel of land, together with the buildings and other improvements located thereon, situated in the City of New Haven, County of New Haven and State of Connecticut, being an area of 1.932 acres, more or less, situated North of St. John Street, East of Hamilton Street and West of Wallace Street, bounded:

Beginning at a point marking the intersection of the Northerly street line of St. John Street with the Westerly street line of Wallace Street;

Thence proceeding Northerly along the Westerly street line of Wallace Street, a distance of 277.55 feet to a point;

Thence proceeding Westerly in a straight line making an interior angle of  $86^{\circ}-22'-00''$  with the last described line, a distance of 152.00 feet to a point;

Thence proceeding Northerly in a straight line making an interior angle of  $275^{\circ}-28'-20''$  with the last described line, a distance of 45.57 feet to a point marked by a fence post;

Thence proceeding Westerly in a straight line making an interior angle of  $88^{\circ}-03'-06''$  with the last described line, a distance of 130.65 feet to a point in the Easterly street line of Hamilton Street, said point also being 324.54 feet Southerly of the Southerly street line of Grand Avenue;

Thence proceeding in a straight line Southerly along the Easterly street line of Hamilton Street making an interior angle of  $90^{\circ}-46'-38''$  with the last described line, a distance of 325.13 feet to a point in the Northerly street line of St. John Street;

Thence proceeding in a straight line Easterly along the Northerly street line of St. John Street making an interior angle of  $86^{\circ}-56'-23''$  with the last described line, a distance of 284.92 feet to the point and place of beginning.

Said piece or parcel of land is more particularly depicted on a map entitled "Property of Paul Goodwin, et als, Hamilton, St. John and Wallace Street, New Haven, Conn., Scale 1" = 20', September 28, 1976" and having been prepared by Clarence Blair Associates, Inc., Civil Engineers and Land Surveyors of New Haven, Connecticut.

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STATE OF CONNECTICUT,  
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SPRINT SPECTRUM L.P. : MARCH 8, 2022**

**AMOUNT IN DEMAND**

The Plaintiff states that the amount, legal interest or property in demand is in excess of \$15,000.00, exclusive of interest and costs and is a claim for relief in addition to or in lieu of money or damages.

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**LIS PENDENS**

Notice is hereby given of the pendency of a civil action wherein **CITY OF NEW HAVEN** is the plaintiff and **TAOM HERITAGE NEW HAVEN LLC** and others are the defendants brought by Writ dated March 8<sup>th</sup>, 2022, and returnable to Superior Court, for the Judicial District of New Haven on the 19<sup>th</sup> day of April, 2022, which action is brought to collect past due taxes due the City of New Haven in which the following items are claimed:

# **EXHIBIT A**

**CHRISTINE J. CIOCIOLA**

**ATTORNEY AT LAW**

**150 West Main Street, Branford, Connecticut 06405**

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1. A foreclosure of the Lien;
2. Immediate possession of the premises;
3. Attorney's fees and costs;
4. Interest;
5. That a receiver be appointed to collect the rents and profits accruing from said property;
6. Such other and further equitable relief as may be required; and
7. Damages.

THIS NOTICE SHALL SERVE AS NOTICE TO ANY PERSON HEREAFTER ACQUIRING ANY INTEREST IN THE WITHIN-DESCRIBED PROPERTY OF THE PENDENCY OF SAID CIVIL ACTION AND EACH PERSON WHOSE CONVEYANCE OR ENCUMBRANCE IS SUBSEQUENTLY EXECUTED OR SUBSEQUENTLY RECORDED OR WHOSE INTEREST IS HEREAFTER OBTAINED BY DESCENT OR OTHERWISE, SHALL BE DEEMED TO BE A SUBSEQUENT PURCHASER OR ENCUMBRANCER AND SHALL BE BOUND BY ALL PROCEEDINGS TAKEN AFTER THE RECORDING OF THIS NOTICE TO BE THE SAME EXTENT AS IF THEY WERE MADE A PARTY TO THE ACTION.

The real estate affected by said civil action known as 133 Hamilton Street, and is described in Schedule A attached hereto and made a part hereof.

Dated at Branford, Connecticut, this 8<sup>th</sup> day of March, 2022.

THE PLAINTIFF,

BY 

CHRISTINE J. CIOCIOLA, Its Attorney

CHRISTINE J. CIOCIOLA

ATTORNEY AT LAW

150 West Main Street, Branford, Connecticut 06405

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DEPARTMENT OF ENVIRONMENTAL  
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SPRINT SPECTRUM L.P. : MARCH 8, 2022**

**NOTICE**

The following notice is provided pursuant to the Fair Debt Collection Practices Act.

**THIS IS AN EFFORT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE  
USED FOR THAT PURPOSE.** The amount of debt you owe to the above-captioned Plaintiff, excluding  
interest, attorneys' fees and costs of collection incurred to dates is:

**TOTAL: \$137,766.63**

Unless you, within thirty [30] days after receipt of this notice, dispute the validity of the debt, or any  
portion thereof, the debt will be assumed to be valid by this office.

**CHRISTINE J. CIOCIOLA**

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If you notify this office in writing within the thirty-day period that the debt, or any portion thereof, is disputed, this office will obtain a verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office.

Upon your written request within the thirty-day period, this office will provide you with the name and address of the original creditor, if different from the current creditor.

THE PLAINTIFF,

BY 

CHRISTINE J. CIOCIOLA, Its Attorney

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